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REGULATORY AUTH.

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OFFICE OF THE
EXECUTIVE SECRETARY

 **BELLSOUTH**

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March 2, 2001

VIA HAND DELIVERY

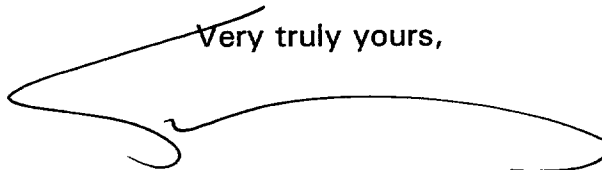
Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0404

Re: *Petition for Interconnection Arbitration by DIECA Communications, Inc. d/b/a Covad Communications Company, Inc. Against BellSouth Telecommunications, Inc.*
Docket No. 00-01130

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth Telecommunications, Inc.'s Motion to Limit Issues. Copies of the enclosed are being provided to counsel of record.

Very truly yours,



Guy M. Hicks

GMH/jem

Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee**

Re: *Petition for Interconnection Arbitration by DIECA Communications, Inc. d/b/a Covad Communications Company, Inc. Against BellSouth Telecommunications, Inc.*

Docket No. 00-01130

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO LIMIT ISSUES**

NOW COMES BellSouth Telecommunications, Inc. and respectfully requests the Tennessee Regulatory Authority ("TRA") to limit the issues in this matter. Several of the issues which Covad has included in its Petition for Arbitration are already included in other pending dockets before the Authority. It is a waste of the limited administrative resources of this Authority to consider precisely the same issues in multiple dockets when a generic docket has been established to consider those issues.¹ Moreover, parties to the generic docket will be prevented from participating in the Authority's consideration of those issues if the Authority decides them in a two-party arbitration.

Issues 5(a), 5(b), 5(c), 9, 12, 15, 18, and 31 BellSouth requests that the Authority refer these issues for final resolution to the generic performance measurements docket (Docket No. 00-00392).

¹ If an issue is fact-specific to a particular carrier (such as a carrier's entitlement to the tandem interconnection rate under applicable FCC rules), then that carrier must have the ability to arbitrate that issue. Of course, such carrier-specific issues should not normally be the subject of a generic docket.

Issues 5(a), 5(b), and 5(c) raise the issues of how long it should take BellSouth to (1) provision an unbundled voice grade loop, ADSL, HDSL, or UCL; (2) provision an IDSL-compatible loop; and (3) "de-condition" (i.e., remove load coils or bridged tap) loops for Covad. Issue 9 concerns the interval for the provision of information relating to dark fiber. Issue 15 concerns the interval for installation of splitters in the central office and Issue 18 concerns the interval for provisioning line sharing. Issue 31 concerns BellSouth's obligation to resolve all "loop facility issues" within thirty days of receiving a complete and correct local service request for that loop facility from Covad. These proposed intervals are plainly within the scope of Docket No. 00-00392, which includes the establishment of performance measurements.

Issue 12 raises the issue of whether Covad should be relieved of its obligation to pay for a Local Service Request it has submitted, but later has cancelled, if the cancellation was purportedly based on BellSouth's failure to deliver a requested loop within five business days. This issue is also within the scope of Docket No. 00-00392 because it is a proposed enforcement mechanism.

Issues 7, 10(a), 10(b), 11, 13, 14, 16, 17, 19, 24, and 30 BellSouth requests that the Authority refer these issues for final resolution to the generic cost dockets (Docket No. 97-01262 and/or 00-00544).

Issues 7, 10(a), 10(b), 11, 13, 16, 17, and 19 raise specific questions concerning what rates or conditions should apply to Covad's purchase of particular UNEs. Each of those specific issues was raised by Covad in Docket No. 00-00544,

the hearings in which were concluded in December, 2000. In that generic docket, Covad asked the Authority to resolve each of the enumerated issues and submitted testimony and evidence into the record of the proceeding. Covad is not entitled to re-litigate each of those issues again in this docket. Similarly, Issues 24 and 30 challenge the rates which BellSouth proposes for UNEs and collocation. The questions raised by those issues are before the Authority in either Docket No. 97-01262 or Docket No. 00-00544.

CONCLUSION

What is the purpose of generic dockets if the parties to those dockets are free to re-litigate the issues therein in another docket pending before the Authority? BellSouth respectfully submits that Covad is not entitled to arbitrate the same issues which have been raised in a generic docket, particularly where Covad is the party who raised the particular issue.

The Authority should issue an order transferring Issues 5(a), 5(b), 5(c), 9, 12, 15, 18, and 31 to TRA Docket No. 00-00392. In addition, the Authority should dismiss Issues 7, 10(a), 10(b), 11, 13, 14, 16, 17, and 19 because Covad has already litigated those issues in TRA Docket No. 00-00544. Moreover, Issues 24 and 30 should be dismissed because those issues are included within the scope of TRA Docket No. 00-00544 or TRA Docket No. 97-01262.

Respectfully submitted, this 2nd day of March, 2001.



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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

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- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

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A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line.